

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Michell Forbes

Plaintiff,

-v.-

Northstar Location Services, LLC

Defendant.

Civil Action No: _____

COMPLAINT

Plaintiff Michell Forbes (“Plaintiff” or “Forbes”) by and through her attorneys, RC Law Group, PLLC, as and for her Complaint against Defendant Northstar Location Services, LLC (“Defendant”) respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of section 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act (“FDCPA”).

PARTIES

2. Plaintiff is a resident of the State of New York, County of Bronx, residing at 4459 Matilda Avenue, Apt. 3B, Bronx, NY 10470.

3. Defendant is a debt collector with an address at 4285 Genesee Street, Cheektowaga, NY 14225.

4. Northstar Location Services, LLC is a “debt collector” as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as well as 15 U.S.C. § 1692 et. seq. and 28 U.S.C. § 2201. If applicable, the Court also has pendant jurisdiction over the State law claims in this action pursuant to 28 U.S.C. § 1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt (“Alleged Debt”) from the Plaintiff.

9. The Alleged Debt was incurred as a financial obligation that was primarily for personal, family or household purposes and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5).

Violation I – February 20, 2017 Collection Letter

10. On or around February 20, 2017 the Plaintiff received a collection letter from Defendant.

11. The letter was an attempt to collect an outstanding “Balance: \$691.33”.

12. The collection letter offers its recipient an opportunity to settle the outstanding balance for less than the full balance due.

13. The collection letter then states: "This settlement may have tax consequences."

14. The letter does not distinguish how much of the \$691.33 balance is principal owed to "Creditor: Barclays Bank Delaware", and how much is accrued interest.

15. The letter fails to disclose to consumers that there is a distinction between principal and interest in regards to IRS requirements.

16. Even the most sophisticated tax professional cannot issue an opinion without this information and it only acts to overshadow the settlement offer.

17. As a result of Defendant's deceptive and misleading statement Plaintiff has been harmed.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

18. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein with the same force and effect as if the same were set forth at length herein.

19. Defendant's debt collection efforts attempted and/or directed towards Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692d, 1692e, 1692e(2), 1692e(5), 1692e(7), 1692e(8), 1692e(10), and 1692f.

20. As a result of the Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Michell Forbes demands judgment from Defendant Northstar Location Services, LLC as follows:

- a) For actual damages provided and pursuant to 15 U.S.C. § 1692k(a)(1);
- b) For statutory damages provided and pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c) For attorney fees and costs provided and pursuant to 15 U.S.C. § 1692k(a)(3);
- d) A declaration that the Defendant's practices violated the FDCPA; and
- e) For any such other and further relief, as well as further costs, expenses and disbursements of this action as this Court may deem just and proper.

Dated: Hackensack, New Jersey
February 6, 2018

By: /s/ Daniel Kohn
Daniel Kohn

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